#### MINUTES

#### SPECIAL MEETING

#### BOARD OF BUILDING STANDARDS/ ARCHITECTURAL BOARD OF REVIEW/SIGN REVIEW BOARD

## FEBRUARY 21, 2013

#### 5:30 PM - LAKEWOOD CITY HALL AUDITORIUM

(Roxio Recording Available)

The Chairman called the meeting to order at 5:30 P.M. Λ.

1. ROLL CALL

MEMBERS PRESENT:

Bryan Evans

Michael Molinski, Chairperson

Carl Orban, Vice-Chairperson

OTHERS PRESENT:

Dru Siley, Secretary, Director, Planning & Development

Jeff Fillar, Assistant Boilding Commissioner

1214 Gladys Avenue

Jennifer Mladek, Assistant Law Director - Cindy Stockman

Bryce Sylvester, City Planner, Planning & Development

A motion was made by Mr. Orban, seconded by Mr. Evans, to EXCUSE the absence of John Waddell. All of the members voting yea, the motion passed.

#### 2. Opening Remarks

Mr. Siley was the Secretary for the Special Meeting. The Chairman waived the reading of the Open Remarks. Mr. Siley reminded that anyone giving testimony at the meeting was to state their name, address, and sign the Oath.

## REQUEST FOR APPEAL BOARD OF BUILDING STANDARDS

Docket 02-15-13

3.

( ) Approve	James G. Bogner
( ) Deny	1214 Gladys Avenue
( ) Defer	Lakewood, Ohio 44107

ĸ

The applicant requests the review and approval of an Appeal to the Nuisance Declaration by the City of Lakewood declaring the property a nuisance, pursuant to Section 1173.05; his two family structure has partially collapsed. (Page 2)

Mr. Siley referred to Sections 1306.521 and 1306.522 of the Lakewood Codified Ordinances, stated the structure was declared a nuisance on January 29, 2013, and entered into record photos, correction notices, associated documents and the special meeting's PowerPoint presentation. Jeff Fillar, Assistant Building Commissioner, Tim Duophy; Fire Marshail, and Inspector Jim Urankar were present to give testimony.

Jeff Fillar, Assistant Building Inspector for the City of Lakewood, stated that on January 15, 2013, there was a complaint filed along with accompanying photographs regarding the roof collapse at the 1214 Gladys Avenue property. Mr. Fillar then described the photographs of the PowerPoint presentation. A notice was posted for no one to enter the property, and a letter was sent to Mr. Bogner to vacate the property. The chimney was likely to fall to the south onto the neighboring house. The roof was collapsing in the middle. The other side of the home was pushed from square. The roof ridge line was not parallel. The paint was peeling. A bump in the wall appeared to be caused by the floor being pushed north and collapsing at the center. Another picture of the roof showed the collapse and a skylight with unknown framing. Looking from the front of the home, the gutters displayed a lifting from the rear due to the rafter. At the time of the

original citation, there was a gap of about 1" to 1 1/2" at the porch addition, and it was now 2 to 2 3/4", was still moving, and leaning toward the garage. The next photo was of the front mansard of the garage roof. The next photo was of the roof and the ridge with a hole due the eight penetrations into the roof (skylights, vents, and chimney); the fascia was arching outwardly. Because of the condition of the home, they declared and posted it as a muisance, had the gas and electricity disconnected, and ordered Mr. Bogner to vacate.

Fire Marshall Tim Dunphy, City of Lakewood, stated that at the request of the Division of Housing and Building, he was asked to sign a subpoena and conduct an interior inspection. Prior to going to City Hall, he gave 1214 Gladys Avenue a visual inspection of the entire perimeter of the home and noted that the north side wall was bowing outwardly and substantially. At the rear of the house under the addition, a first floor door was open and could not be closed because the door jamb had shifted. He took that opportunity to look inside at what he assumed was the kitchen and noted the floor joists were fallen. He noticed the sill plate of the home had shifted from the foundation. A window was falling from the house. Because of the hazardous conditions, he immediately went to the Division of Housing and Building and to the Law Department to seek the posting of the Do Not Enter sign. They were very concerned the house would collapse and severely damage the neighboring home. There was a hole in the roof, and a strong odor of mold and moisture coming from the home indicated severe water damage. It would require extensive repair or a tear-down.

Mr. Siley stated the Department of Planning and Development received an e-mail from Michael Shearn, a neighbor of 1214 Gladys Avenue who supported the Declaration of Nuisance. A copy of it was provided to the Chairman.

The Board presumed that neither Mr. Fillar nor Fire Marshall Dumphy entered the house due to its condition. Fire Marshall Dumphy said that was correct and advised that no personnel or person should enter it, including Mr. Bogner. The Board asked if Mr. Fillar had previous occasions to enter the house, permits pulled for work, or etc. Mr. Fillar stated he started working with the City of Lakewood in 1998, and a number of permits had been issued between 1995 and 1997 by Inspector Palat. The NCR papers had since bled. Mr. Fillar tried to manipulate the copying of them for legibility. He was able to determine a dormer permit had been issued to Mr. Bogner, and there were lots of notes from the inspector who tried to get the job into compliance. The microfiche machine was not able to make legible pictures. There were hand drawings for work done, but he could not get reproductions of them.

James G. Bogner, property owner and applicant, was present to explain the request. He realized the home had deteriorated a little bit. He had been ill for a couple years. He received an engineer's report that indicated the house could be jacked and repaired. He stated the engineer said the house was not off the foundation and was fine. The door could not close because of the tafters; it was the landing for a stairwell that was moved from the doorway. Mr. Bogner's intent was to save the house. Asked if he had taken any measures to cover the hole in the roof, he replied he had not, and the City would not allow him to enter. He had been allowed to open the home to allow the engineer entrance into the basement. He said the beam had shifted off the post in the basement; it was unknown why that happened. The kitchen joists dropped as a result of the basement beam collapse. Asked if the engineer had given a cost estimate for repairs, Mr. Bogner replied he had not. Mr. Bogner proposed to do the repairs himself as he accumulated beams and about twelve house jacks.

Mr. Siley stated for the record that what was under consideration was that at the time the property was declared a nuisance, the request for an appeal was to overtern the Assistant Building Commissioner's determination. There were structural defects that warranted the determination. The Administration was requesting the appeal be denied and the Board's affirmation of the Assistant Building Commissioner's findings. Mt. Bogner's biring and

findings of an engineer after the declaration was not relevant. The engineer's letter was irrelevant. The Board felt the condition of the house was dangerous in its current state, and the City had supplied sufficient evidence.

Mr. Molinski closed public comment as no one spoke on the matter. He said the evidence presented to the Board substantiated the City's position and Declaration of Nuisance.

A motion was made by Mr. Molinski, seconded by Mr. Orban to **DENY** the appeal and to **AFFIRM** the Assistant Building Commissioner's declaration that the property located at 1214 Gladys Avenue is a nuisance based on the finding of fact. The house and garage are structurally unsafe as detailed in the correction notice. The house and garage in their current condition pose imminent danger to the adjacent properties. Asked if there was any discussion of the motions, Mr. Orban said the property was a nuisance. He heard Mr. Bogner agree, and the City had demonstrated the property was a nuisance. A roll call of the vote was taken. With Mr. Molinski voting yea, Mr. Orban voting yea, Mr. Evans voting yea, and Ms. Stockman voting aye, the motion passed.

## ADJOURN

A motion was made by Mr. Molinski, seconded by Mr. Orban to ADJOURN the meeting at 5:53 p.m. All members voting yea, the motion passed.





# Oath

I, the undersigned, hereby agree that the testimony I give at this proceeding will be the truth, the whole truth and nothing but the truth:

PRINT NAME:		SIGN NAME:	1	
I SEFF FILLAR	<del></del> ):	Acro	Ale	lb -
Timothy DUNPIKE	1_	The state of the s	upl	2
JIM BOSH	E2X	<u> </u>	64	3
4. (				<sup>10</sup> 11
5	<del></del> 8	( <del>5. 4</del> )		
5	<del></del> 6	÷		
7.	8 8	<u>-</u>	-	
8.		, <del>q</del>		
9.	<del></del> 08	-		
10,	<del>15. 1. 14</del> .)	-		
n <sub>r</sub>	•	\$4. A		
Prepared by: The City of Lakewood	Law Departme	ent, 12650 Detroit Ave	e., Lakewood, C	hio 44107
The second secon	FOR CITY USE	OMY -		
Lakewood Administrative Procedure: <b>AB</b> Income Tex Appeals U Loan Approval U N				
Date of Proceeding: Thursday,				
Spec	ial	Meeting	Ō	

#### Schwarz, Johanna

From: Michael Shearn <mjshearn7@yahoo.com>
Sent: Thursday Sahuany 21 2013 12:32 PM

Sent: Thursday, February 21, 2013 12:32 PM

To:Planning DeptCc:Ariana ShearnSubject:1214 gladys ave.

Hello,

My name is Michael Shearn. My wife and I are in the property on 1217 Andrews Ave. We are located directly behind the house at 1214 gladys ave. We have lived in that property since September 2009. The property in question has been an eye sore since the day we moved in. The house, the garage, the vehicles that haven't moved in years are all issues on the eye and harbors for vermin and rodents. There are weed and ivy infestations that have been issues in the rear of our property and on/in the back of our garage. The garage is a structure that is not sound, as it is falling apart and things are protruding from the over hangs and shingles and roof being damaged. The house is an eye sore, that I am sure that the property values are affected by it. And living there for several years you can see all windows full of filth and items stacked in it. A window in the back of the house looks as if it is going to fall off with all of the things that are stuffed in it. There is no upkeep in the little bit of yard that he has, and there have been rodents seen and random junk items in there housing these rodents/vermin. And there is a good fear that the upkeep in the house is as poor and if house would to burn all houses in a large radius would be affected. The term of nuisance as a charge, seems correct as his lifestyle affects all of the dwellers and there properties around him. Thank you for the public forum and I hope this helps in not allowing such filth and lack of responsibility to continue in our beautiful city.

> Sincerely, Michael Shearn

Page 1 of 1

Complaint Macived

From: Craig Lovejoy [lovejoy.craig@gmail.com]

Monday, January 14, 2013 11:05 AM

To: Building, Housing

Subject: Concerned neighbors of Gladys Avenue

Attachments: DSC00887.JPG; DSC00243.JPG

#### Hello

Sent:

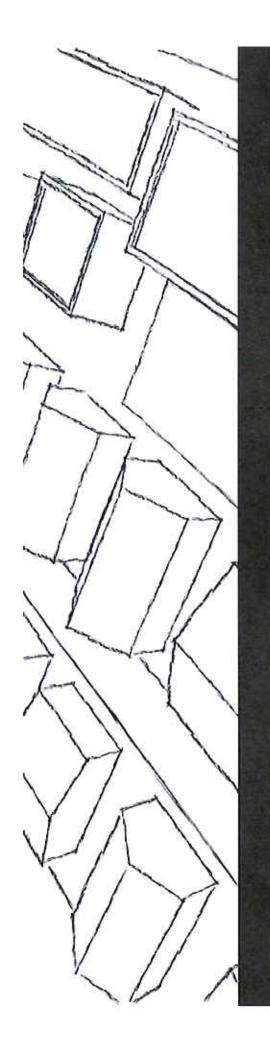
Residents in our area have become concerned not only for the welfare of the homeowner but the surronding properties.

Attached are photos of an obvious structural failure of the roof at 1214 Gladys Avenue.

I really don't like to have to be the one to bring this to your attention but it is only a matter of time before we have a complete collapse of the roof structure.

Thank you

Concerned neighbors of Gladys Avenue



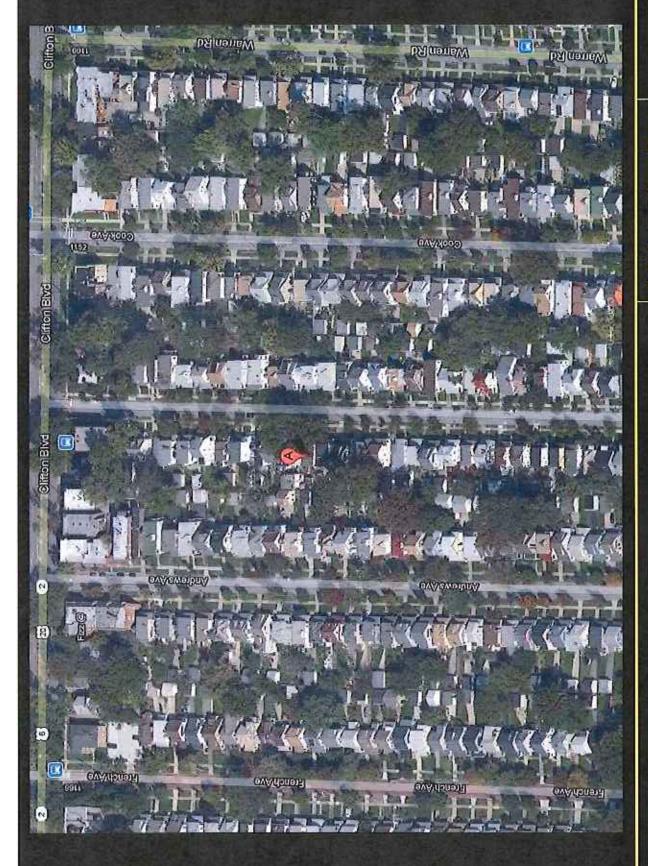
Board of Building Standards

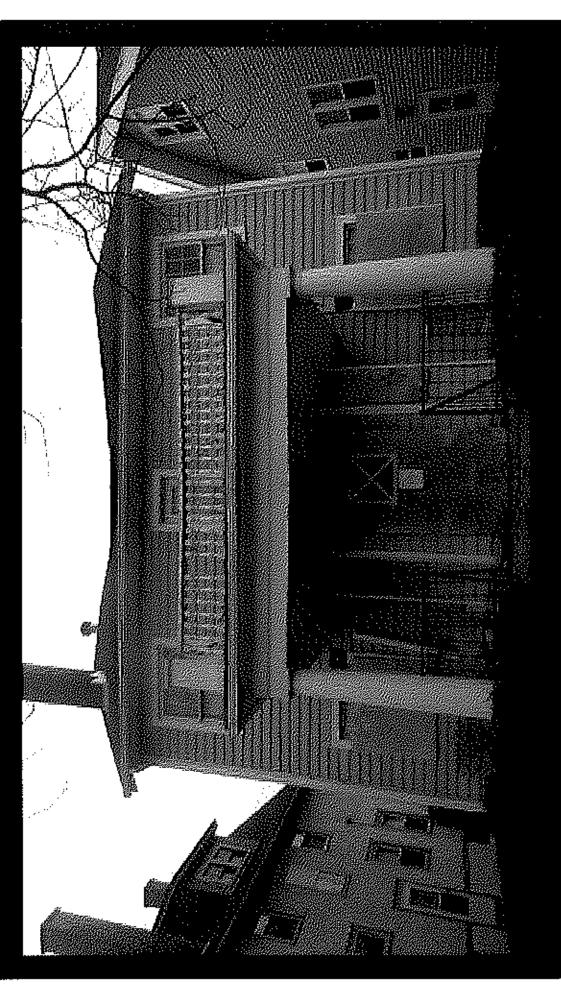
Architectural Board of Review

Sign Review Board

February 21, 2013

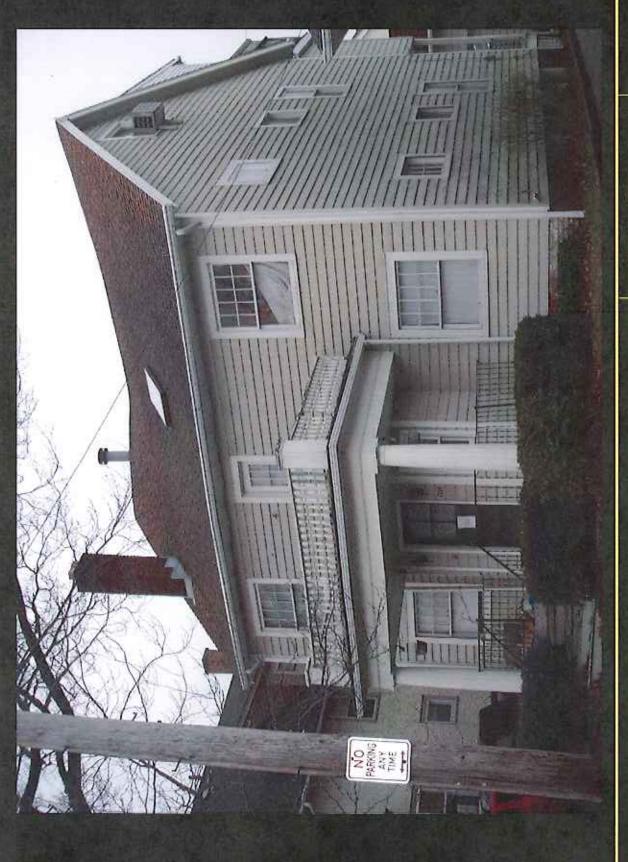






ABR Special Meeting February 21





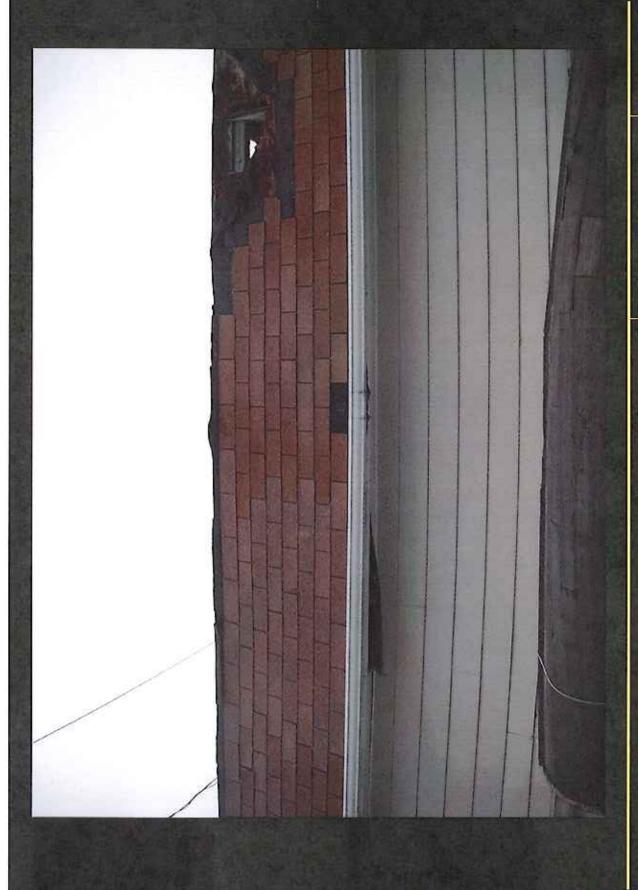




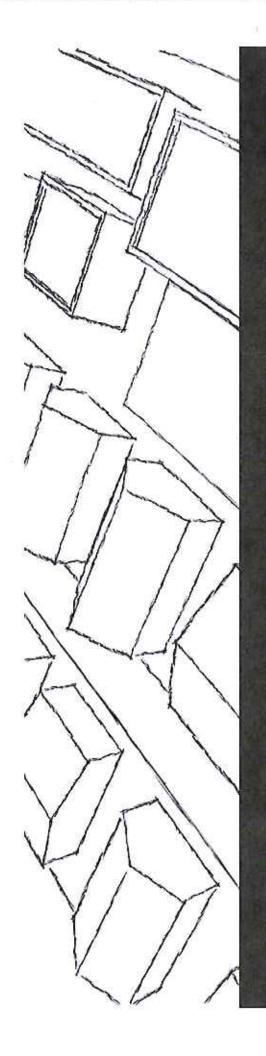












Board of Building Standards

Architectural Board of Review

Sign Review Board February 21, 2013

